

PLANNING BOARD MINUTES

November 12, 2009

Board members present:

Art Weber, Chairman Ron Wolanski, Town Planner

Audrey Rearick Mike Miller, Town Solicitor

Richard Adams

Betty Jane Owen

Jan Eckhart

Frank Forgue

Gladys Lavine

The meeting was called to order at 6:30 pm.

Minutes:

Motion by Ms. Owen, seconded by Ms. Rearick, to approve the minutes of the October 14, 2009 regular Planning Board meeting, and the October 26, 2009 special meeting. Vote: 7-0-0.

Old Business

1. Public Hearing – Peter Gallipeau, Proposed 14 lot Major Subdivision, Bailey Ave. & Sachuest Drive, Plat 126, Lots 4, 217, 218, 219 Request for Preliminary Plan Approval.

Mr. Weber stated that review of the plans by the Technical Review Committee and the town's consulting engineer, Pare Corp. have yet

to be completed, as the applicant has been asked to provide revised plans. Prior to opening the public hearing, these reviews should be completed.

Motion by Mr. Eckhart, seconded by Ms. Owen, to continue the matter to the December 9, 2009 regular Planning Board meeting. Vote: 7-0-0.

2. Omni Land Company. – Subdivision, Plat 111, Lots 8, 9, 9A, 10, West Main Rd., 9-lot subdivision, Request for 60-day extension of Planning Board approval.

Attorney Robert M. Silva, representing the applicant, requested that the Board consider a 150-day extension of the subdivision approval. The property owners are continuing to evaluate their options regarding development of the property.

Motion by Mr. Eckhart, seconded by Ms. Rearick, to grant a 150-day extension of the subdivision approval. Vote: 7-0-0.

3. Update - Comprehensive Community Plan 5-year update

Mr. Weber stated that the Comprehensive Plan Update committee continues its work to review and update the plan. The next meeting of the committee is scheduled for November 19th, 5pm.

New Business

4. Karmic, LLC - Subdivision (Plat 140, Lot 46), 6-lot subdivision, Request for 1-year extension of final approval.

There was no one present to represent the applicant.

Motion by Mr. Adams, seconded by Ms. Owen, to continue the matter to the December 9, 2009 regular Planning Board meeting. Vote: 7-0-0.

5. Bancroft Partners, LLC , Proposed Administrative Subdivision, Tuckerman Ave. (Plat 122, Lots 123, 124 & 127), Request for 90-day

extension of conditional approval.

Attorney Robert M. Silva, representing the applicant, stated that his client continues to seek the necessary relief from the Zoning Board of Review. He requested a 90-day extension of the conditional approval. Motion by Mr. Eckhart, seconded by Ms. Owen, to grant a 90-day extension of the conditional subdivision plan approval. Vote: 7-0-0.

6. Peter Gallipeau, 9 lot Major (conventional) Subdivision, Bailey Ave. & Sachuest Drive, Plat 126, Lots 4, 216, 217, 218, Request for 1-year extension of Master Plan approval

Mr. Gallipeau was present.

Mr. Weber asked Mr. Wolanski to explain the purpose of the extension.

Mr. Wolanski stated that the subject plan is a conventional subdivision plan that was granted master plan approval prior to the adoption of the conservation subdivision provisions of the board's current subdivision and land development regulations. Approval of the extension would maintain the validity of that master plan approval even as the applicant proceeds through the review process for a conservation subdivision plan for portions of the same property.

Motion by Mr. Forgue, seconded by Ms. Rearick, to grant a 1-year extension of the Master Plan approval. Vote: 7-0-0.

7. Mark Pachico (Frosty Freez), 496 East Main Rd. Plat 113 Lot 157A, Request for Development Plan Review - Proposed installation new vinyl siding

Ed Barber of Heritage Construction, the contractor for the property owner, was present. Mr. Barber described the project and presented a

sample of the vinyl siding for Planning Board review. The proposal is to replace existing vinyl siding with new siding.

Board members indicated that the proposed siding is acceptable.

Motion by Ms. Rearick, seconded by Mr. Forgue, to approve the use of synthetic materials in accordance with the Subdivision and Land Development Regulations Section 521.2.C., regarding the proposed façade materials, and to approve the application. Vote: 7-0-0.

8. Request of the Town Council for additional Planning Board consideration of the proposed Zoning Ordinance amendment regarding Wind Turbines.

Mr. Weber explained that the Town Council has asked the Planning Board to review the draft ordinance, and to identify appropriate areas in town for turbine development. Mr. Weber stated that he feels that it is not possible for the Planning Board to identify such areas. He referenced the special Planning Board meeting held on October 26, 2009 with Town Council members, where certain revisions were agreed to. He asked Mr. Wolanski to review the proposed revisions to the draft.

Mr. Wolanski stated that in addition to the revisions discussed at the October 26th meeting, which are included in the draft 7A currently before the Board, there are additional revisions proposed for Planning Board consideration. Mr. Wolanski summarized all the proposed revisions as follows:

- Special use permit required for development of all turbines.**
- Prohibit tower-mounted turbines in the R-10 & R-20 districts, and limit building-mounted turbines to 10ft above allowed building height**

in those districts.

- Provide for application of design standards to all turbines.
- The fall zone requirement cannot be altered by special use permit.
- Reinsert minimum lot area requirements for medium and large-tower turbines in residential districts.
- Reinsert 15ft height limit above building height limit for building-mounted turbines in districts other than R-10 and R-20.

Mr. Weber invited public input.

Tim Hetland of RI Wind Power expressed concern about the required 25ft ground clearance for turbine blades. He presented a model of a vertical axis unit that calls for a minimum of 10ft ground clearance. He also expressed concern for the potential cost of completing the special use permit process.

Mr. Weber stated that there should be some allowance for vertical axis turbines.

There was discussion about the safety implications of reducing the minimum ground clearance.

Mr. Miller discussed potential items of concern, such as the possibility of someone climbing the pole on which the turbine is mounted.

Mr. Eckhart stated that there is a need for access control.

Mr. Wolanski stated that the current draft requires applicants to provide access control, with the form to be determine by the Zoning Board of Review as part of its review.

Mr. Adams proposed a revision to the draft to insert a requirement for ground clearance of 10ft for vertical axis turbines.

The consensus of the Board was in favor of inserting the revision.

David Dittman, a resident of Ocean View Drive, stated that he was concerned with some of the negative provisions in the ordinance, including the requirement to remove abandoned turbines. He also suggested that there should be limitations on the locations of turbines.

Mr. Weber stated that the Planning Board is not equipped to identify where turbines should, and should not go.

There was discussion of the study that would be needed to properly designate areas.

Mr. Dittman asked if the potential property tax benefits to the Town of turbine development has been a factor in the discussions of the ordinance.

Mr. Weber stated that potential tax benefits have not been discussed by the Planning Board.

Sarah Gill of Walcott Ave., representing the Easton's Point Association, referenced a memo that she provided to the Planning Board which discussed the association's concerns.

Mr. Weber confirmed that members of the board had received the memo.

Ms. Gill summarized the association's concerns as follows:

- The town should retain a moratorium on building-mounted turbines until technology for such units advances.**
- The Town Council should provide guidance on the areas of town that should be protected from turbine development.**
- The Town Council should hold a public workshop to receive**

additional input. She requested that the Planning Board not take action on the ordinance until it receives additional guidance from the Town Council.

Mr. Weber stated that imposing a moratorium based on concerns about viability of available technology is not an appropriate role for the town. Such decisions should be made by property owners and venders.

Mr. Adams stated that if communities took the approach of imposing a moratorium on building-mounted turbines, it would stifle innovation of new technology since there would be a reduced potential market.

Mr. Weber stated that in Portsmouth, where there is no ordinance regulating turbine development, he is not aware of any applications for installation of residential scale turbines. He stated that he would not expect to see significant demand for such units.

Ms. Gill expressed concern over the proposal to allow the height of roof-mounted turbines of up to 10ft above the permitted roof height limit.

Jocelyn Sherman of Indian Ave. expressed concern over the potential adverse impact of turbine development on important vistas in Middletown, particularly in the area of Second and Third Beach. She asked if the Town Council had provided guidance to the Planning Board.

Mr. Weber stated that the revised draft incorporates input received from the Town Council.

Ms. Sherman stated that the town should promote the use of solar panels, which are less of an eyesore than wind turbines.

Steve Lepply referenced the past development of commercial properties in Middletown. He indicated that such development was objectionable, but was allowed to continue. The Town should not repeat the mistakes of the past.

Ann Burns of Tuckerman Ave. stated that she appreciated the revisions that have been made to the draft ordinance. She expressed concern over the standards for turbine development. The ordinance should specify construction standards and require an engineer's certification, particularly given the potential for hurricane-force winds.

Mr. Weber asked Building Office Jack Kane to confirm that construction standards, and certifications, would be required as part of the building permit application process.

Mr. Kane confirmed that construction standards would be addressed as part of the building permit. The building code requires that structures be designed to withstand 110 mph winds.

Christine Forster, Chairman of the Middletown Wind Turbine Feasibility Committee, stated that safety concerns can be address by proper review of applications. Turbines must be installed at appropriate heights in order to take advantage of the best wind speeds. She stated that views would not be more adversely impact by turbines than by existing structures, such as utility poles and cell phone towers. She stated that the Town spends in excess of \$613,000 per year on electricity. Municipal turbines would offset this cost.

Don Mallinson, a member of the Middletown Wind Turbine Feasibility Committee, stated that he is concerned about the condition of the

environment, and the impact that today's actions will have on future generations.

David Stuckey, a resident of Newport, stated that he is a member of a group in Newport working on energy issues. He stated that he supports the Town of Middletown's efforts to provide for turbine development. He is concerned about climate change and sea level rise. He stated that until development of smaller scale turbines becomes more financially feasible, he does not expect a rush to install such units.

A resident of Newport stated that she is concerned with sea level rise, particularly given recent news that the Greenland ice sheet is melting more rapidly than anticipated. Action must be taken now.

There being no one else wishing to address the board, Mr. Weber invited discussion by Board members.

Mr. Adams reviewed the revisions proposed to be made to the draft currently before the Board (Draft 7A), including:

- Reinsert minimum lot area requirements for medium and large-tower turbines in residential districts.
- Reinsert 15ft height limit above building height limit for building-mounted turbines in districts other than R-10 and R-20.
- Insert a requirement for ground clearance of 10ft for vertical axis turbines.

Mr. Eckhart discussed the difficulty of trying to identify areas of town appropriate for the development of wind turbines. This is a task that would more appropriately be addressed by the Town Council.

Motion by Mr. Adams, seconded by Ms. Owen, to request that the

Town Solicitor incorporate the additional three revisions into the draft ordinance and to forward the revised draft to the Town Council with a recommendation in favor of adoption. Vote: 7-0-0.

Motion by Ms. Owen, seconded by Mr. Forgue, to adjourn. Vote: 7-0-0
The meeting adjourned at 8:00pm

Respectfully submitted:

Ronald M. Wolanski